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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,971	01/31/2005	Anders Karl Sundberg	PMO-PT041	8484
3624	7590	03/01/2006	EXAMINER	
VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			CRAIG, PAULA L	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/522,971	Applicant(s) SUNDBERG ET AL.	
	Examiner Paula L. Craig	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/31/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference characters not mentioned in the description: 66, 51, 52, 53, 54, 55, 59, 71, 72, 78, 79, and 80 (see Figs. 1 and 16-27). The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign mentioned in the description: 3 (see paragraph 59). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: In paragraph 1, "DIPOSABLE" should be "DISPOSABLE". In paragraph 68, "salable" should be "sealable". Appropriate correction is required.

Claim Objections

3. Claims 21-35 and 40-43 are objected to because of the following informalities: In Claim 21, line 11, "holding a disposal bag" should be "holding the disposal bag". In Claim 29, "form.," should be "form,.". In Claim 33, it is unclear whether or not the double action backing strip of page 7, line 14 is the same as or different from the backing strip of page 7, line 3. In Claim 40, "backing strip open" should be "backing strip to open". Claims 22-32, 34-35, and 41-43 are objected to as dependent on Claims 21, 33, or 40. The Applicant is requested to review the claims for further grammatical errors. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 21 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,931,052 to Feldman.

6. For Claim 21, Feldman teaches a disposable pad having an elongated absorbent pad element having a front side for contact with a body for receiving human excrements and an opposing rear side forming a pad backing (Figs. 1 and 3-5 and col. 2, lines 25-32). The pad has a double action backing strip extending over at least part of the pad backing and detachably attached to the disposable pad (storage container 20, Figs. 1-5, col. 2, lines 54-62, and col. 3, lines 8-23). A disposal bag is mounted between the backing strip and the pad backing (disposal bag is storage container 20, Figs. 1-5 and col. 2, lines 33-59; note that the claim does not require that the disposal bag and the backing strip be discrete; this is confirmed by Applicant's Claim 25). The disposal bag is unobtrusively in place when the disposable pad is in use and readily accessible for enclosing the disposable bag after use for hygienic disposal (Figs. 1 and 6 and col. 2, lines 40-44). The backing strip is formed by a first part attached to the disposable pad forming a storage pouch to hold hygienic products (top flap of 20, col. 2, lines 54-62). A second part is separately attached to the disposable pad holding the disposable bag (note that the storage container is divided into four quadrants, which form layers when folded; the uppermost of these layers is the second part; Figs. 2a-5 and col. 2, lines 53-55). The storage pouch is opened by pulling on the backing strip to open the first part and release the hygienic products (Figs. 2d-3 and col. 2, line 54 to col. 3, line 3). The storage pouch is opened by further pulling open the second part releasing the disposal bag for enclosing the used disposable pad for hygienic disposal (col. 3, lines 3-8).

7. For Claim 37, Feldman teaches an elongated absorbent pad element having a front side for contact with a body for receiving human excrements and an opposing rear side forming a pad backing (Figs. 1-5 and col. 2, lines 25-32). A backing strip extends over at least part of the pad backing and is at least partially detachably attached to the disposable pad (storage container 20, Figs. 1-5, col. 2 lines 33-44 and col. 3, lines 8-23). A disposal bag is mounted on the pad backing and released by the backing strip being at least partially detached (storage container 20, Figs. 1-5 and col. 2, line 45 to col. 3, line 23). The disposal bag has an enlarging opening when released (Feldman, Fig. 6 and col. 3, lines 1-8). The disposal bag is unobtrusively in place when the disposable pad is in use and readily accessible and the opening enlarged for enveloping the disposable pad after use for hygienic disposal (Figs. 1-6 and col. 2, line 45 to col. 3, line 23). The backing strip is a double action backing strip formed by a first part of the backing strip attached to the disposable pad forming a sealed storage pouch to hold hygienic products hermetically (top flap of 20, col. 2, lines 54-62; note Claim 8 of Feldman indicates the storage pouch is sealed in such a way as to retain moisture in the towelette, which would be a hermetical seal). A second part of the same backing strip is separately attached to the disposable pad and holds a disposal bag (the second part is the uppermost layer of the storage container 20, Figs. 2a-5 and col. 2, lines 53-55). The storage pouch is opened by pulling on the backing strip to open the first part and release the hygienic products (Figs. 2d and 3 and col. 2, lines 59-61). The storage pouch is opened by further pulling the backing strip open so that the second part

releases the disposal bag for enclosing the used disposable pad for hygienic disposal (Figs. 3 and 5 and col. 2, line 53 to col. 3, line 8).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 22, 24-25, 27-29, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman.

11. For Claims 22 and 38, Feldman teaches all the limitations of Claims 21 and 37, as described above in paragraphs 6 and 7. Feldman teaches the attachment of the first part being frangible (light adhesive, col. 2, lines 59-61). Feldman teaches the attachment of the second part being frangible (light adhesive or fusion process, col. 2, lines 56-59). Feldman does not expressly teach the attachment of the first part being more frangible than the attachment of the second part. However, it is well known in the

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art to make a frangible connection having an appropriate strength for its desired function. The attachments disclosed in Feldman are fully capable of preventing accidental opening of the second part. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the attachments of Feldman of an appropriate strength to permit opening of the first and second parts and prevent accidental opening of the second part.

12. For Claim 24, Feldman teaches the pad being a disposable nappy or diaper having a substantially "I" shape with a central elongated absorbent pad (Figs. 3 and 5 and col. 2, lines 25-32). Feldman teaches cross bands at each end forming a waist band with attachment means to retain the disposable nappy or diaper on the baby or infant (Figs. 1, 3, and 5). The disposal bag is sized to fit the disposable nappy or diaper after use (Fig. 6 and col. 3, lines 3-8).

13. For Claim 25, Feldman teaches the backing strip extending along the length of the nappy over the disposal bag and where the backing strip forms part of the disposal bag (Figs. 1-5).

14. For Claim 27, Feldman teaches the backing strip covering the bag and stored products (Figs. 1-5).

15. For Claim 28, Feldman teaches the backing strip providing a continuous outer surface to minimize ridges (note edges may be tucked inside, col. 2, lines 62-64). The backing strip enables activation of the bag without separate handling (col. 3, lines 1-5).

16. For Claim 29, Feldman teaches the first part including a substantially non porous sealing panel having a frangible line covered by a sealing means to form a sealed

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pouch able to hold hygienic products in a substantially sealed form, wherein the sealing means can be removed to break the frangible line to open the sealed pouch for access to the hygienic products (Figs. 2-3 and col. 2, lines 59-61).

17. For Claim 39, Feldman teaches the backing strip extending along the length of the disposable pad and forming an elongated side part of the disposal bag. Figs. 1-5.

18. Claims 23, 26, 30-36, and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman in view of U.S. Patent No. 3,604,423 to Fraser.

19. For Claim 33, Feldman teaches a disposable pad with an elongated absorbent pad element having a front side for contact with a body for receiving human excrements and an opposing rear side forming a pad backing (Figs. 1-5 and col. 2, lines 25-32). A backing strip extends over at least part of the pad backing and is detachably attached to the disposable pad (storage container 20, Figs. 1-5, col. 2 lines 33-44 and col. 3, lines 8-23). A disposal bag is mounted between the backing strip and the pad backing wherein the disposal bag is unobtrusively in place when the disposable pad is in use and readily accessible for enclosing the disposable bag after use for hygienic disposal (Figs. 1-6 and col. 2, line 33 to col. 3, line 8). The backing strip extends along the length of the nappy over the disposal bag and the backing strip forms part of the disposal bag (Figs. 1-5 and col. 2, line 33 to col. 3, line 8). The backing strip covers the bag and stored products and provides a continuous outer surface to minimize ridges and enables activation of the bag without separate handling (Figs. 1-6 and col. 2, line 33 to col. 3, line 8). The backing strip is a double action backing strip formed by a first part

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attached to the disposable pad forming a storage pouch holding a disposal bag (the uppermost layer of the storage container 20, Figs. 2a-5 and col. 2, lines 53-55). The second part is separately attached to the disposable pad able to hold other hygienic products (top flap of 20, col. 2, lines 54-62). The storage pouch is opened by pulling on the backing strip to first open the second part and release the further hygienic products (Figs. 2d and 3 and col. 2, lines 59-61). The storage pouch is opened by further pulling the bag structure so that it is able to enclose the used disposable pad for hygienic disposal (Figs. 3 and 5 and col. 2, line 53 to col. 3, line 8). Feldman teaches a folded disposal bag stored between the backing strip and the backing of the elongated pad (Figs. 1-5 and col. 2, line 53 to col. 3, line 8). Feldman does not teach the backing strip being longer than the disposal bag structure with the added length acting as a readily handled tag. Feldman does not expressly teach the attachment of the second part being more frangible than the attachment of the first part. Feldman does not teach the folded disposal bag being longitudinally concertina folded. Fraser teaches a disposable pad with a backing strip longer than the disposal bag structure, with the added length acting as a readily handled tag (Fig. 2 and col. 2, lines 62-65). Fraser also teaches the folded disposal bag being longitudinally concertina folded with the concertina fold being inverted lengthways allowing connection at one narrow end with minimal part of the disposal bag remaining connected to allow maximizing of bag volume (Fig. 2 and col. 1, lines 22-49). Fraser also teaches the folded in bag prior to concertina having an inversion of the bag in operation which reveals the fold, which can then be further pulled out to provide a larger volume bag for enveloping the disposable pad (Figs. 1-6 and col.

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1, line 69 to col. 2, line 61). Fraser indicates that the folded bag provides a compact package that is inexpensive to produce (col. 1, lines 22-29). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disposable pad of Feldman to include a tag and concertina folding, as taught by Fraser, to provide a compact package that is inexpensive to produce. In addition, it would have been obvious to make the attachments of Feldman of an appropriate strength, for the same reasons as described above for Claim 22 in paragraph 11.

20. For Claim 36, Feldman teaches a disposable pad with an elongated absorbent pad element having a front side for contact with a body for receiving human excrements and an opposing rear side forming a pad backing (Figs. 1-5 and col. 2, lines 25-32). A backing strip extends over at least part of the pad backing and is detachably attached to the disposable pad (storage container 20, Figs. 1-5, col. 2 lines 33-44, and col. 3, lines 8-23). Feldman teaches a disposal bag mounted in a folded form between the backing strip and the pad backing and having at least a portion attached to the pad backing and the disposal bag being inwardly folded within itself to provide a larger volume bag when unfolded (Figs. 1-6 and col. 2, line 33 to col. 3, line 8). Feldman teaches the disposal bag being unobtrusively in place allowing for normal use of the disposable pad and after use the disposal bag being readily accessible by releasing and unfolding of the bag and inversion of the bag relative to the disposable pad, enclosing the disposable pad for hygienic disposal (Figs. 1-6 and col. 2, line 33 to col. 3, line 8). Feldman does not teach the backing strip having an extended unattached portion forming a tag. Fraser teaches a disposable pad with a backing strip having an extended unattached portion forming a

tag (Fig. 2 and col. 2, lines 62-65). The disposal bag of Fraser is readily accessible by pulling the tag to release the bag and by unfolding and inversion of the bag (Figs. 1-6 and col. 1, lines 22-49). It would have been obvious to modify Feldman to include a tag, for the same reasons as described above for Claim 33 in paragraph 19.

21. For Claim 40, Feldman teaches a disposable pad with an elongated absorbent pad element having a front side for contact with a body for receiving human excrements and an opposing rear side forming a pad backing (Figs. 1-5 and col. 2, lines 25-32). Feldman teaches a double action backing strip formed by a first part attached to the disposable pad forming a storage pouch to hold hygienic products (top flap of 20, col. 2, lines 54-62). A second part is attached to the disposable pad to hold a disposal bag (the uppermost layer of the storage container 20, Figs. 2a-5 and col. 2, lines 53-55). The storage pouch is opened by pulling on the backing strip to open the first part and release the hygienic products (Figs. 2d and 3 and col. 2, lines 59-61). The storage pouch is opened by further pulling on the backing strip to open the second part releasing the disposal bag for enclosing the used disposable pad for hygienic disposal (Figs. 3 and 5 and col. 2, line 53 to col. 3, line 8). Feldman teaches the disposal bag being mounted on the pad backing and the disposal bag being unobtrusively in place when the disposable pad is in use (Figs. 1-5). Feldman teaches the disposal bag being releasable by the backing strip being at least partially detached, the disposal bag having an enlarging opening when released for enclosing the disposable pad after use for hygienic disposal (Figs. 1-6 and col. 2, line 33 to col. 3, line 8). Feldman does not teach the disposable bag having longitudinal concertina folds. Fraser teaches a disposable

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pad with a disposal bag having longitudinal concertina folds (Figs. 1-6). It would have been obvious to modify Feldman to include the disposal bag having longitudinal concertina folds, as taught by Fraser, for the same reasons as described above for Claim 33 in paragraph 19.

22. For Claims 23 and 34, Feldman teaches all the limitations of Claim 22, as described above in paragraph 11; Feldman/Fraser teach all the limitations of Claim 33, as described above in paragraph 19. Feldman does not teach the disposable pad being a sanitary pad. However, it is known in the art for disposable pads which include disposal bags or other attached hygienic products to be sanitary pads. Fraser confirms this and teaches the disposable pad being a sanitary pad or the like (Figs. 1-6 and col. 1, lines 22-25). It would have been obvious to modify Feldman to include the disposable pad being a sanitary pad, as taught by Fraser.

23. For Claim 26, Feldman teaches all the limitations of Claim 24, as described above in paragraph 12. Feldman does not teach the backing strip being longer than the disposal bag structure with the added length acting as a readily handled tag. Fraser teaches a disposable pad with the backing strip being longer than the disposal bag structure with the added length acting as a readily handled tag (Figs. 1-6 and col. 2, lines 62-65). It would have been obvious to modify Feldman to include a tag as taught by Fraser, for the same reasons as described above for Claim 33 in paragraph 19.

24. For Claims 30, 31, and 32, Feldman teaches all the limitations of Claim 29, as described above in paragraph 16. For Claim 30, Feldman teaches a folded disposal bag stored between the backing strip and the backing of the elongated pad, and the

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disposal bag being positioned on the pad lengthways (Figs. 1-5). For Claim 31, Feldman teaches at least a portion of the folded disposal bag remaining attached to the pad such that the disposal bag is inverted around the used disposable pad. For Claim 32, Feldman teaches the disposal bag having an inversion of the top of the bag which in use can then be further pulled out to provide a larger volume bag for enveloping the disposable pad (Figs. 1-6). For Claims 30, 31, and 32, Feldman does **not** teach the disposal bag being concertina folded. Fraser teaches the disposal bag being concertina folded, having a height greater than its width in concertina folded mode, and being positioned on the pad lengthways to allow maximizing of bag volume (Figs. 1-6). Fraser teaches that this arrangement makes a compact package that is inexpensive to produce (col. 1, lines 22-29). It would have been obvious to modify Feldman to include the disposal bag being concertina folded, as taught by Fraser, to provide a compact package that is inexpensive to produce.

25. For Claim 35, Feldman teaches the pad being a disposable nappy or diaper having a substantially "I" shape with a central elongated absorbent pad (Figs. 3 and 5 and col. 2, lines 25-32). Feldman teaches cross bands at each end forming a waist band with attachment means to retain the disposable nappy or diaper on the baby or infant (Figs. 1, 3, and 5). The disposal bag is sized to fit the disposable nappy or diaper after use (Fig. 6 and col. 3, lines 3-8).

26. For Claim 41, Feldman/Fraser teaches all the limitations of Claim 40, as described above in paragraph 21. Feldman and Fraser do not expressly teach the attachment of the first part being more frangible than the attachment of the second part

to prevent accidental opening of the second part. It would have been obvious to modify Feldman to include the attachment of the first part being more frangible than the attachment of the second part to prevent accidental opening of the second part, for the same reasons as described above for Claim 22 in paragraph 11.

27. For Claim 42, Feldman teaches the backing strip extending along the length of the disposable pad and forming an elongated side part of the disposal bag. See Figs. 1-5.

28. For Claim 43, Feldman teaches the folded disposal bag having an inwardly folded top of the bag which in use can then be further pulled out to provide a larger volume bag for enveloping the disposable pad. See Figs. 1-6 and col. 2, line 33 to col. 3, line 8.

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 3,230,956 to Kargul shows concertina folding. U.S. Patent Application Publication No. 2002/0156448 to Steger et al. shows a sanitary napkin with an attached wet wipe. U.S. Patent Application Publication No. 2003/0109841 to Edwards shows a diaper with 2 pockets for hygienic products, one behind the other, with one pocket having a more frangible closure than the other. U.S. Patent No. 5,778,110 to Furuya shows a two-layered storage bag for attachment to a diaper. The remaining prior art references listed on the accompanying Form PTO-892 show the general state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula L. Craig whose telephone number is (571)272-5964. The examiner can normally be reached on 8:30AM-5:00PM M-F.

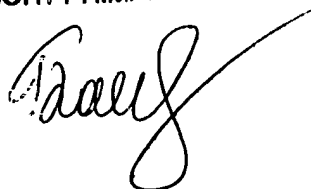
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571)272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paula L Craig
Examiner
Art Unit 3761

PLC

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Tanya Zalukaeva', written over a horizontal line.